

ORDINANCE# 7-11-2005

AN ORDINANCE REGULATING THE USE OF GAS POWERED, MOTORIZED  
SPORT BIKES (INCLUDING BUT NOT LIMITED TO ATV (ALL-TERRAIN VEHICLES), DIRT BIKES,  
MINI-MOTORCYCLES AND GO-CARTS)  
WITHIN THE TOWNSHIP OF WATERFORD, RACINE COUNTY, WISCONSIN

THE TOWN BOARD of the Township of Waterford, at its regularly scheduled and duly-noticed meeting, does ordain and pass the following ordinance:

WHEREAS, the Town of Waterford is a municipality with established ordinances; and

WHEREAS, the Town of Waterford allows the usage of gas powered, motorized sport bikes (including but not limited to dirt bikes, go-carts, mini-motorcycles and all-terrain vehicles) in areas within the Town; and

NOW THEREFORE, the Town Board desires to enact and does enact this ordinance regulating the use of gas powered, motorized sport bikes (including but not limited to dirt bikes, go-carts, mini-motorcycles and all-terrain vehicles) in areas within the Town to protect the public health, safety and welfare of the general public.

SECTION 1. REGULATION OF GAS POWERED, MOTORIZED SPORT BIKES (INCLUDING BUT NOT LIMITED TO ATV (ALL-TERRAIN VEHICLES), DIRT BIKES, MINI-MOTORCYCLES AND GO-CARTS.

Sec 1. Definitions

Unless the context clearly indicates otherwise, the words, combinations of words, terms, and phrases, as used in this Ordinance shall have the meanings set forth as follows:

- a. "All-Terrain Vehicle" or "ATV" shall mean a motorized flotation- tired vehicle of not less than three (3) low pressure tires, but not more than six (6) tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 900 pounds.
- b. "Established Riding Area" shall mean trails or area on a lot used by a Motorized Bike, Go-Cart and /or ATV.
- c. "Go-Cart" shall mean a motorized miniature vehicle capable of achieving speeds in excess of ten miles per hour and commonly used on courses or race tracks specifically designed for such vehicles.
- d. "Motorized Dirt Bike" shall mean a two (2) wheeled vehicle being capable of cross-country travel on natural terrain without benefit of a road or trail.
- e. "Operate" means to ride in or on and have control of the operation of the motorized dirt bike, go-cart or ATV.
- f.. "Right-Of-Way" means the entire strip of land traversed by any highway, street, county road or roadway easement for the purpose of vehicle travel, and includes the entire width of the land dedicated or acquired by law for right-of-away purposes.
- g. "Roadway" means that portion of the improved right-of-way designed or ordinarily used for vehicle travel, including the shoulder.

## Sec. 2. Operation

It shall be unlawful for any person to operate a motorized dirt bike, go-cart or ATV within the Town, except as herein specifically permitted and authorized, under any of the following circumstances:

- a. On the portion of any right-of-way of any public highway, street, road, trail, or alley used for motor vehicle travel.
- b. On a public sidewalk provided for pedestrian travel.
- c. On private property of another without lawful authority or permission of the owner or occupant.
- d. On public grounds (with appropriate permission on identified DNR or State trails), outlots (subdivision or not), community (public or private) owned and/or maintained property, park property, playgrounds, recreational areas.
- e. In a manner so as to create loud, unnecessary or unusual noise due to modifications of factory muffler.
- f. In a careless, reckless or negligent manner so as to endanger, or be likely to endanger, the safety of any person or property of any other person.
- g. At any place while under the influence of alcohol or drugs as defined in WI Stats.

Sec. 3. The use of a Motorized Dirt Bike, Go-Cart and/or an ATV, or those items designated in Section 1, are not allowed on any residentially zoned lot or parcel of land or land owned in common or owned by any community association.

Sec. 4. A Motorized Dirt Bike, Go-Cart and/or ATV may be used on lots zoned agricultural, and greater than 3 acres in size, located within the Town on the condition that the riders shall adhere to the following:

- a. Dust and noise control measures are to be maintained by the property owner or occupant. These dust and noise control measures are to be enforced by the Town if other properties are unreasonably and adversely affected by dust and noise due to Motorized Dirt Bike/Go-Cart and/or ATV use.
- b. A Motorized Dirt Bike, Go-Cart or ATV must have a federally approved spark arrestor, the noise emission may not exceed ninety-nine (99) decibels at a distance of 20 inches at idle, and mufflers may not be altered to increase motor noise, or have a cut out bypass, or similar device.
- c. No more than two (2) riders that are unrelated to the immediate household members that reside in the dwelling on the property may operate a Motorized Dirt Bike, Go-cart or ATV on the property. A Motorized dirt bike, Go-Cart, ATV may only be operated on the property during the following times: Monday through Friday, 9:00 a.m. through 7:00 p.m.; and Saturdays and Sundays, 10:00 a.m. through 5:00 p.m.
- e. Any un-vegetated Riding Area must be watered down before, during, and after usage as needed to limit dust.

Sec 5. The following uses are exempt from this Ordinance:

Any agent or employee of any road authority, law enforcement or public safety agency, or any agent or employee of the Wisconsin Department of Natural Resources or any other governmental body in conducting official business.

Sec. 6. Violation

Any person who violates any provision of this Ordinance shall be subject to a forfeiture not less than \$1.00 and no more than \$500.00. Each day that a violation exists shall be deemed a separate offense.

SECTION 2. EFFECTIVE DATE This Ordinance shall be effective from and after its passage, posting and publication according to law.

PASSED AND ADOPTED this 11<sup>th</sup> day of July, 2005

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ROBERT E. LANGMESSER  
Town Chairman

ATTEST:

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HEATHER STRATTON  
Deputy Clerk